IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 1457 of 2007(W)

PETITIONER:

SARALAKUMARI, W/O. RAVEENDRAN,
SAROJINI VIHAR, THIRUNAKKARA, KOTTAYAM.

BY ADV. SRI.R.SUDHIR
SRI.K.R.PRAMOTH KUMAR

RESPONDENTS:

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1. THE KERALA CO-OPERATIVE TRIBUNAL,
THIRUVANANTHAPURAM.

2. THE ASST. REGISTRAR/ARBITRATOR,
KOTTAYAM DISTRICT CO-OPERATIVE BANK,
KOTTAYAM.

3. KOTTAYAM DISTRICT CO-OPERATIVE BANK,
KOTTAYAM, REPRESENTED BY ITS GENERAL MANAGER.

BY SRI.T.R.HARIKUMAR SC FOR R3
GOVERNMENT PLEADER SRI.S.DILEEP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:-

EXT.P1 TRUE COPY OF THE AWARD DATED 29/12/2004 IN A.R.C NO.306/2004 OF THE 2ND RESPONDENT

EXT.P2 TRUE COPY OF THE ORDER DATED 14/08/2006 IN R.P.NO.348/2005

\\TRUE COPY //

P.A TO JUDGE

J.M.JAMES, J.

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W.P.(C) No. 1457 of 2007 (W)

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Dated this the 19th day of January, 2007

J U D G M E N T

The writ petitioner is a defaulter. She was proceeded against and an award was passed by the second respondent. But it was challenged before the first respondent, the Kerala Co-operative Tribunal, Thiruvananthapuram. Through an order dated 14/08/2006 in R.P.No.348/2005, the Tribunal modified the award and refixed the rate of interest at 14% per annum. The writ petitioner was also allowed to discharge the decree debt in ten equal monthly instalments. However, this writ petition is filed challenging the same.

2. The contention of the writ petitioner is that an ex-parte order was passed by the second respondent, Arbitrator, and, therefore, all the contentions could not be raised before the Arbitrator. It is further submitted that an one time settlement facility may be extended to the writ petitioner.

3. I heard the arguments of the counsel for the writ petitioner and the Senior Government Pleader. Considering the

circumstances of this case, I direct the writ petitioner to approach the third respondent, Kottayam District Co-operative Bank and file a representation, within ten days from today, requesting for an one time settlement. The third respondent shall hear the writ petitioner and pass final order, considering the order of the Co-operative Tribunal as well. The third respondent shall also extend the facilities of the one time settlement, as per Circular No.59/2006, dated 30/11/2006.

4. Till an order is passed on the representation, as directed above, there shall be no coercive actions against the writ petitioner.

The writ petition is accordingly closed.

(J.M.JAMES)
Judge

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